

## Fill in this information to identify the case:

United States Bankruptcy Court for the:

Northern District of Texas  
(State)  
Case number (if known): \_\_\_\_\_ Chapter 11 Check if this is an amended filing

## Official Form 201

**Voluntary Petition for Non-Individuals Filing for Bankruptcy**

04/20

If more space is needed, attach a separate sheet to this form. On the top of any additional pages, write the debtor's name and the case number (if known). For more information, a separate document, *Instructions for Bankruptcy Forms for Non-Individuals*, is available.

1. Debtor's name	Pogo Energy, LLC		
2. All other names debtor used in the last 8 years	Plug Energy, LLC		
Include any assumed names, trade names, and <i>doing business as</i> names			
3. Debtor's federal Employer Identification Number (EIN)	8 1 - 4 9 9 6 9 2 1		
4. Debtor's address	Principal place of business	Mailing address, if different from principal place of business	
	5960 Berkshire Lane	Number	Street
	6th Floor		
	Dallas	TX	75225
	City	State	ZIP Code
	Dallas		
	County		
5. Debtor's website (URL)	www.pogoenergy.com		

Debtor	<p>Pogo Energy, LLC</p> <hr/> <p>Name _____</p>	<p>Case number (if known) _____</p> <hr/>
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6. Type of debtor	<p><input checked="" type="checkbox"/> Corporation (including Limited Liability Company (LLC) and Limited Liability Partnership (LLP))  <input type="checkbox"/> Partnership (excluding LLP)  <input type="checkbox"/> Other. Specify: _____</p> <hr/>
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7. Describe debtor's business	<p>A. Check one:</p> <p><input type="checkbox"/> Health Care Business (as defined in 11 U.S.C. § 101(27A))  <input type="checkbox"/> Single Asset Real Estate (as defined in 11 U.S.C. § 101(51B))  <input type="checkbox"/> Railroad (as defined in 11 U.S.C. § 101(44))  <input type="checkbox"/> Stockbroker (as defined in 11 U.S.C. § 101(53A))  <input type="checkbox"/> Commodity Broker (as defined in 11 U.S.C. § 101(6))  <input type="checkbox"/> Clearing Bank (as defined in 11 U.S.C. § 781(3))  <input checked="" type="checkbox"/> None of the above</p> <hr/> <p>B. Check all that apply:</p> <p><input type="checkbox"/> Tax-exempt entity (as described in 26 U.S.C. § 501)  <input type="checkbox"/> Investment company, including hedge fund or pooled investment vehicle (as defined in 15 U.S.C. § 80a-3)  <input type="checkbox"/> Investment advisor (as defined in 15 U.S.C. § 80b-2(a)(11))</p> <hr/> <p>C. NAICS (North American Industry Classification System) 4-digit code that best describes debtor. See <a href="http://www.uscourts.gov/four-digit-national-association-naics-codes">http://www.uscourts.gov/four-digit-national-association-naics-codes</a>.</p> <p style="text-align: center;"><u>2</u> <u>2</u> <u>1</u> <u>1</u></p> <hr/>
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8. Under which chapter of the Bankruptcy Code is the debtor filing?	<p>Check one:</p> <p><input type="checkbox"/> Chapter 7  <input type="checkbox"/> Chapter 9  <input checked="" type="checkbox"/> Chapter 11. Check all that apply:</p> <p><input type="checkbox"/> The debtor is a small business debtor as defined in 11 U.S.C. § 101(51D), and its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$2,725,625. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).</p> <p><input type="checkbox"/> The debtor is a debtor as defined in 11 U.S.C. § 1182(1), its aggregate noncontingent liquidated debts (excluding debts owed to insiders or affiliates) are less than \$7,500,000, and it chooses to proceed under Subchapter V of Chapter 11. If this sub-box is selected, attach the most recent balance sheet, statement of operations, cash-flow statement, and federal income tax return, or if any of these documents do not exist, follow the procedure in 11 U.S.C. § 1116(1)(B).</p> <p><input type="checkbox"/> A plan is being filed with this petition.</p> <p><input type="checkbox"/> Acceptances of the plan were solicited prepetition from one or more classes of creditors, in accordance with 11 U.S.C. § 1126(b).</p> <p><input type="checkbox"/> The debtor is required to file periodic reports (for example, 10K and 10Q) with the Securities and Exchange Commission according to § 13 or 15(d) of the Securities Exchange Act of 1934. File the <i>Attachment to Voluntary Petition for Non-Individuals Filing for Bankruptcy under Chapter 11</i> (Official Form 201A) with this form.</p> <p><input type="checkbox"/> The debtor is a shell company as defined in the Securities Exchange Act of 1934 Rule 12b-2.</p> <p><input type="checkbox"/> Chapter 12</p>
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Debtor	Pogo Energy, LLC		Case number (if known) _____
Name _____			
<b>9. Were prior bankruptcy cases filed by or against the debtor within the last 8 years?</b>		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. District _____ When _____ Case number _____ MM / DD / YYYY	
If more than 2 cases, attach a separate list.		District _____ When _____ Case number _____ MM / DD / YYYY	
<b>10. Are any bankruptcy cases pending or being filed by a business partner or an affiliate of the debtor?</b>		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Debtor _____ Relationship _____ District _____ When _____ Case number, if known _____ MM / DD / YYYY	
List all cases. If more than 1, attach a separate list.			
<b>11. Why is the case filed in this district?</b>		<i>Check all that apply:</i>	
		<input checked="" type="checkbox"/> Debtor has had its domicile, principal place of business, or principal assets in this district for 180 days immediately preceding the date of this petition or for a longer part of such 180 days than in any other district. <input type="checkbox"/> A bankruptcy case concerning debtor's affiliate, general partner, or partnership is pending in this district.	
<b>12. Does the debtor own or have possession of any real property or personal property that needs immediate attention?</b>		<input checked="" type="checkbox"/> No <input type="checkbox"/> Yes. Answer below for each property that needs immediate attention. Attach additional sheets if needed.	
		<b>Why does the property need immediate attention? (Check all that apply.)</b>	
		<input type="checkbox"/> It poses or is alleged to pose a threat of imminent and identifiable hazard to public health or safety. What is the hazard? _____	
		<input type="checkbox"/> It needs to be physically secured or protected from the weather.	
		<input type="checkbox"/> It includes perishable goods or assets that could quickly deteriorate or lose value without attention (for example, livestock, seasonal goods, meat, dairy, produce, or securities-related assets or other options).	
		<input type="checkbox"/> Other _____	
<b>Where is the property?</b> _____ Number _____ Street _____  _____ City _____ State ZIP Code _____			
<b>Is the property insured?</b> <input type="checkbox"/> No <input type="checkbox"/> Yes. Insurance agency _____			
Contact name _____ Phone _____			

**Statistical and administrative information**

Debtor Pogo Energy, LLC \_\_\_\_\_ Case number (if known) \_\_\_\_\_

Name \_\_\_\_\_

<b>13. Debtor's estimation of available funds</b>	<i>Check one:</i>		
	<input type="checkbox"/> Funds will be available for distribution to unsecured creditors.		
	<input checked="" type="checkbox"/> After any administrative expenses are paid, no funds will be available for distribution to unsecured creditors.		
<b>14. Estimated number of creditors</b>	<input checked="" type="checkbox"/> 1-49	<input type="checkbox"/> 1,000-5,000	<input type="checkbox"/> 25,001-50,000
	<input type="checkbox"/> 50-99	<input type="checkbox"/> 5,001-10,000	<input type="checkbox"/> 50,001-100,000
	<input type="checkbox"/> 100-199	<input type="checkbox"/> 10,001-25,000	<input type="checkbox"/> More than 100,000
	<input type="checkbox"/> 200-999		
<b>15. Estimated assets</b>	<input type="checkbox"/> \$0-\$50,000	<input checked="" type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion
<b>16. Estimated liabilities</b>	<input type="checkbox"/> \$0-\$50,000	<input type="checkbox"/> \$1,000,001-\$10 million	<input type="checkbox"/> \$500,000,001-\$1 billion
	<input type="checkbox"/> \$50,001-\$100,000	<input checked="" type="checkbox"/> \$10,000,001-\$50 million	<input type="checkbox"/> \$1,000,000,001-\$10 billion
	<input type="checkbox"/> \$100,001-\$500,000	<input type="checkbox"/> \$50,000,001-\$100 million	<input type="checkbox"/> \$10,000,000,001-\$50 billion
	<input type="checkbox"/> \$500,001-\$1 million	<input type="checkbox"/> \$100,000,001-\$500 million	<input type="checkbox"/> More than \$50 billion

### Request for Relief, Declaration, and Signatures

**WARNING --** Bankruptcy fraud is a serious crime. Making a false statement in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.

**17. Declaration and signature of authorized representative of debtor**

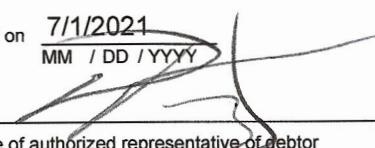
The debtor requests relief in accordance with the chapter of title 11, United States Code, specified in this petition.

I have been authorized to file this petition on behalf of the debtor.

I have examined the information in this petition and have a reasonable belief that the information is true and correct.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/1/2021  
MM / DD / YYYY



Signature of authorized representative of debtor

Phillip Terry

Printed name

Title CEO and Managing Member

Debtor	<u>Pogo Energy, LLC</u>		Case number (if known)
	Name		
<b>18. Signature of attorney</b>		<u><input checked="" type="checkbox"/> /s/Rachael L. Smiley</u>	Date <u>7/1/2021</u>
Signature of attorney for debtor			
Rachael L. Smiley			
Printed name			
<u>Ferguson Braswell Fraser Kubasta PC</u>			
Firm name			
<u>2500 Dallas Parkway, Suite 600</u>			
Number	Street	TX	75093
<u>Plano</u>		State	ZIP Code
City			
<u>972-378-9111</u>		Email address	
Contact phone		<u>rsmiley@fbfk.law</u>	
24066158		TX	
Bar number		State	

**POGO ENERGY LLC RESOLUTION  
AUTHORIZING PETITION FOR BANKRUPTCY PROTECTION  
AND LIQUIDATION OF ASSETS**

I, Philip R. Terry, Managing Member of the Board of Directors of Pogo Energy LLC, organized and existing under the laws of the State of Texas and having its principal place of business at 5960 Berkshire Lane, 6<sup>th</sup> Floor, Dallas, Texas 75225, hereby certify that the following is a true copy of a resolution adopted by the Board of Directors of the LLC at a meeting convened and held on June 14, 2021 at which a quorum was present and voting throughout and that such resolution is now in full force and effect and is in accordance with the provisions of the Operating Agreement of the Corporation.

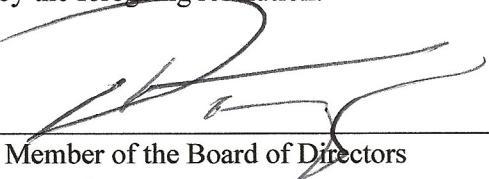
**RESOLVED:** That Limited Liability Company approves the decision to seek bankruptcy protection;

**RESOLVED:** That Philip R. Terry, the Managing Member of the Board of Directors of the Limited Liability Company is hereby authorized to sign on behalf of the Limited Liability Company any contracts or forms for necessary to seek bankruptcy protection;

**RESOLVED:** That the Managing Member of the Board of Directors is appointed Liquidator under the Pogo Energy LLC Operating Agreement; and

**RESOLVED FURTHER:** That the Managing Member of the Board of Directors is hereby authorized and directed to certify to any interested party that this resolution has been duly adopted, is in full force and effect, and is in accordance with the provisions of the Pogo Energy LLC Operating Agreement.

I further certify that this Corporation is duly organized and existing, and has the power to take the action called for by the foregoing resolution.

  
Managing Member of the Board of Directors

\_\_\_\_\_  
Date

Fill in this information to identify the case and this filing:

Debtor Name	<u>Pogo Energy, LLC</u>		
United States Bankruptcy Court for the:	<u>Northern</u>	District of	<u>Texas</u>
Case number (If known):	_____		

**Official Form 202****Declaration Under Penalty of Perjury for Non-Individual Debtors**

12/15

An individual who is authorized to act on behalf of a non-individual debtor, such as a corporation or partnership, must sign and submit this form for the schedules of assets and liabilities, any other document that requires a declaration that is not included in the document, and any amendments of those documents. This form must state the individual's position or relationship to the debtor, the identity of the document, and the date. Bankruptcy Rules 1008 and 9011.

**WARNING -- Bankruptcy fraud is a serious crime. Making a false statement, concealing property, or obtaining money or property by fraud in connection with a bankruptcy case can result in fines up to \$500,000 or imprisonment for up to 20 years, or both. 18 U.S.C. §§ 152, 1341, 1519, and 3571.**

**Declaration and signature**

I am the president, another officer, or an authorized agent of the corporation; a member or an authorized agent of the partnership; or another individual serving as a representative of the debtor in this case.

I have examined the information in the documents checked below and I have a reasonable belief that the information is true and correct:

- Schedule A/B: Assets–Real and Personal Property (Official Form 206A/B)*
- Schedule D: Creditors Who Have Claims Secured by Property (Official Form 206D)*
- Schedule E/F: Creditors Who Have Unsecured Claims (Official Form 206E/F)*
- Schedule G: Executory Contracts and Unexpired Leases (Official Form 206G)*
- Schedule H: Codebtors (Official Form 206H)*
- Summary of Assets and Liabilities for Non-Individuals (Official Form 206Sum)*
- Amended Schedule \_\_\_\_\_*
- Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders (Official Form 204)*
- Other document that requires a declaration \_\_\_\_\_*

I declare under penalty of perjury that the foregoing is true and correct.

Executed on 7/1/2021  
MM / DD / YYYY



Signature of individual signing on behalf of debtor

Phillip Terry

Printed name

CEO and Managing Member of the Board

Position or relationship to debtor

## Fill in this information to identify the case:

Debtor name	Pogo Energy, LLC		
United States Bankruptcy Court for the:	Northern	District of	Texas (State)
Case number (If known):			

Check if this is an amended filing

## Official Form 204

## Chapter 11 or Chapter 9 Cases: List of Creditors Who Have the 20 Largest Unsecured Claims and Are Not Insiders

12/15

A list of creditors holding the 20 largest unsecured claims must be filed in a Chapter 11 or Chapter 9 case. Include claims which the debtor disputes. Do not include claims by any person or entity who is an *insider*, as defined in 11 U.S.C. § 101(31). Also, do not include claims by secured creditors, unless the unsecured claim resulting from inadequate collateral value places the creditor among the holders of the 20 largest unsecured claims.

	Name of creditor and complete mailing address, including zip code	Name, telephone number, and email address of creditor contact	Nature of the claim (for example, trade debts, bank loans, professional services, and government contracts)	Indicate if claim is contingent, unliquidated, or disputed	Amount of unsecured claim		
					Total claim, if partially secured	Deduction for value of collateral or setoff	Unsecured claim
1	Luminant Energy 6555 Sierra Drive Irving, TX 75039		QSE Services	Disputed	\$27,323,155.24	unknown	unknown
2	Tridius Technologies LLC 6101 Long Prairie Road, Suite 744-230 Flower Mound, TX 75028		Trade Debt				\$44,133.91
3	Lamar Companies P.O. Box 96030 Baton Rouge, LA 70896		Trade Debt				\$18,539.30
4	Yum Yum Video SRL Mendoza 2654 Buenos Aires CP 1428		Trade Debt				\$4,500.00
5	EnergyCare, LLC 9701 International Ct N., Ste A St. Petersburg, FL 33716						\$10,181.25
6	Oakville Energy, LLC 1718 Elmen Street Houston, TX 77019						\$1,650.00
7	Znalytics 4550 North Point Parkway, Suite 180 Alpharetta, GA 30022		Trade Debt				\$15,476,64
8							